

1897-023 Chancery Causes: James H. Davidson vs. Elbert Barker
Lee Co.

CA - Contract Dispute
T - Property

- Deed

1. To the Honorable H.S.K. Morrison, Judge of the Circuit Court of
2. Lee County, Virginia.

3. Humbly complaining, your orator, James H. Davidson, will res-
4. pectfully show to your honor,

5. That heretofore, to wit, on the _____ day of December 1892
6. he bargained and sold to one Elbert Barker a tract of land sit-
7. uated in the Crab Orchard in Lee County, Va., containing 103 acres
8. at the price of ten dollars (\$10.00) per acre. By the terms of
9. said contract the said Barker was to pay down in cash to your
10. orator the sum of \$250.00, the residue was to be paid in one, two,
11. three, and four years from date and in equal instalments, for
12. which said deferred payments notes were to be executed by the
13. said Barker, bearing interest from date of sale.

14. Your orator will now show your honor, that at the time of
15. said sale he delivered the possession of said tract of land to
16. the said Barker who has ever since and is now occupying, using, &
17. and enjoying the same, and at the same time the said Barker paid
18. to your orator said sum of \$250.00, but he failed to execute the
19. notes in accordance with said agreement, and several times since
20. your orator has called upon him for said note, but he still fails
21. neglects and refuses to make and deliver them.

22. Your orator will now further show your honor, that the first
23. installment of said deferred payments, to wit, the sum of \$195.00
24. is now due and your orator has called on the said Barker for
25. payment of the same, but the said Barker has failed and refused
26. to make payment thereof, and he still fails, refuses, and neg-
27. lects so to do.

28. Your orator will further show your honor, that on the 31st
29. day of July 1893, he made and together with his wife executed and
30. acknowledged a deed conveying said tract of land with covenants
31. of general warranty to the said Barker. Said deed is herewith
32. filed as an escrow deed to be delivered to the said Barker when
33. he complies with his said contract by paying the amount due and
34. executing his notes for the residue thereof in compliance with
35. the terms of his said contract. Said deed is marked "A" and
36. asked to be treated as a part of this bill.

37. Your orator will now further show your honor, that immedi-
38. ately after the execution and acknowledgement of said deed afore
39. said, he presented it to the said Barker, tendered it to him, and
40. asked a compliance by him with the terms of his contract, to wit,
41. the execution to your orator of notes for said deferred payments
42. but as before stated said Barker refused to execute said notes,
43. and your orator declined to deliver said deed. Now, the object
44. of this bill is to have specifically executed said contract by
45. the payment of the installment which is due and the execution and
46. delivery of notes for the residue, and being without remedy at
47. Common Law he prays your honor's Court of chancery to take cog-
48. nissance of his cause and grant him proper relief. To this end he
49. prays that Elbert Barker be made a party defendant to this bill,
50. and be required to answer its several allegations, but he need
51. not answer them upon his oath, that being waived, and that upon a
52. hearing the said contract be specifically executed, that the said
53. Barker be required to ^d pay the installment now due and to execute
54. notes for the residue thereof bearing interest from day of sale,
55. and that if in reasonable time said installment now due be not
56. paid then that said tract of land or ~~enough thereof to pay the~~
57. ~~same~~ be sold for that purpose, [#] and if mistaken in his special
58. prayer, then he prays for full general relief.
59. May Spa. in Chancery issue, directed &c.

Duncan v. Lyatt, p.c.

It is your orator's prayer that it will be injurious to those in trust of the
property and the defendant to get the said land in person. What is to be
done then the whole of said tract together.

Q 6.87
 8.100
 14.15.00
 \$22.87
 Estimate 6.13
 \$29.00

1st Febry Br. 1894

James H. Davidson

vs. Bill in Chancery:

Elbert Barker.

Duncan & Hyatt; for Plff.

1894 2^d Febry Rules Bill
 filed 2^d Febry 1894
 1st March Rules taken
 last Monday in Febry
 D. W. C. C. and
 Cause set for hearing
 by Plaintiff
 11 March Term
 Decree for sale 1894

Virginia,

Circuit Court for Lee County:
To the Hon. W. T. Miller, Judge of
the said Court:

Humbly complaining, your orator,
James H. Davidson, a citizen of said
County, will respectfully represent and
show unto your honor that heretofore,
to wit, at the Second February Rules
1894, he filed his original bill in the
honorable court against one Elbert
Barker, the object of which was to
have specifically executed the contract
therein set out. Upon said bill such
proceedings were had that, by decree
rendered in said cause on the 15th
day of March 1894, the court held
that your orator was entitled to
have said contract specifically exe-
cuted, and appointed L. T. Hyatt a
Commissioner, and ordered him, in
the event the said Elbert Barker failed
to pay a certain sum of money and
to execute his notes for the residue
of the purchase price of said tract of
land, to sell the said tract of land
&c after certain advertisement &c. On
the 26th day of October 1894, the said
L. T. Hyatt, Commr. filed his report

showing a sale of said land to Elkanah Barker for the sum of \$700.25, of which \$52.00 was costs. On the 10th day of November 1894 this report and sale were confirmed by decree of the court. On the 6th day of March 1897, by decree, a judgment was rendered in favor of your oratrix against the said Elbert Barker for the sum of \$196.71 with interest thereon from the 21st day of May 1894, until payment. On the 9th day of June 1897 the said L. T. Hyatt filed his report showing full collection and disbursement of the purchase price of the said land sold by him and that since said sale the purchaser, Elkanah Barker, had died, intestate, leaving a widow and certain children therein named, his heirs at law. On June 10th 1897 the said L. T. Hyatt was, ~~as~~ by decree, appointed a commr. and directed to convey the land sold by him to said Elkanah Barker to the widow and heirs of said Barker. On the 12th day of June 1897 the said Commr. filed his report and deed, which on the same

that the rents and profits will not be sufficient in five years to pay said
lien.

day were confirmed by decree.

Now your orator will further state to your honor to no part of the aforesaid judgment against the said Elbert Barker for \$196.71 with interest thereon from the 21st day of May, 1894, until payment, has ever been paid to your orator, but the same and every part thereof is now due and owing to your orator.

Your orator will further state to your honor that the said judgment is a lien on all the lands inherited by the said Elbert Barker from his father, the said Elbraiah Barker. The lands of which the said Elbraiah Barker died seized and possessed have never been partitioned; that there are no other liens; +

Your orator will now show your honor that said judgment was duly docketed in J. & D. No. 3. Page in the office of the clerk of the County Court for Lee County.

Your orator alleges that the said Elbraiah Barker died seized and possessed of the following tracts of land: First. The tract sold and conveyed to him by the said L. T. Hyatt, Comm. and fully and minutely described in the

deed, filed in this cause, from L. F. My-
att, Comr. to Elizabeth Barker et als.
Said tract contains 103 acres.

Second.- A tract of land lying in
the Crab Orchard supposed to contain
200 acres. This tract was purchased
from Elkanah Flanary, now deceased.

The said Elkanah probably owned
other lands which the records of the
County do not show.

The said Elbert Barker's interest
is a one-eleventh undivided interest
subject to widow's dower.

Now, the object of this amended
bill is to subject the entire undivided
interest of Elbert Barker in the lands
and real estate of which his father,
the said Elkanah Barker, died
seized and possessed, or so much
thereof as may be necessary to the
payment of Plaintiff's judgment
aforesaid.

In order that this object may
be attained, your orator prays
that the said Elbert Barker be made
defendant hereto; that spa. issue, di-
rected &c.; that ~~upon a~~ the said Elbert
be required to answer this bill, but

he need not do so under oath, as that is waived; that he be required to answer especially of what lands and real estate the said Elkanah Barker died seized and possessed; that, upon a hearing, a decree be rendered, appointing a commissioner to make sale of said undivided interest, or enough thereof, to satisfy your orator's judgment; that all such other relief, both special and general, be granted to your orator as his cause merits, and he will ever pray &c.

L. J. Hyatt, p. q.

James H. Davidson

vs. { Amended
Bill

Elbert Barker

L. J. Hyatt, p. g.

1897 1st Oct rules Spa
2nd & D M

" 2nd Oct rules D M
Conf & Cause set
for hearing

" No Decree Final.

Virginia,

Circuit Court of Lee County.

.....
To the Hon. W. T. Miller, Judge of said Court:-

-----The answer and demurrer of ^{an amended} Elbert Barker to [^] a bill in chancery filed in said Honorable Court ~~against~~ against him by ~~J. M. Davidson~~ James M. Davidson. For demurrer he says, that the plaintiff's bill is not sufficient in law, but should any other or further answer be necessary, answering, he says: That he supposes that it is true that the plaintiff obtained against the respondent a decree for \$196.71 in the bill mentioned, and the same has not been paid; it is also true that the respondent inherited from his father, Elkanah Barker, a certain, an undivided interest in his real estate situated in the Crab Orchard, in Lee County, Virginia--said interest being one-eleventh part of. Your respondent will now represent and shew unto your Honor that on the 24th day of January 1896, your respondent executed and filed in the Clerk's office of the County Court of said County for recordation his homestead deed, and in which deed he claimed and set apart as and for a portion of his said homestead his said undivided interest in his ~~share~~ said father's real estate, valued at \$400.00, together with certain personal property mentioned in said deed--amounting in the aggregate to the sum of \$517.00, said deed was on the said 24th day of January 1896, duly recorded in said Clerk's office--a certified copy of said deed is herewith filed a part hereof marked A. Now Your respondent has no other property, and being a householder and head of a family he claims the benefit of his said homestead exemption against the plaintiff's demand, the said demand having arisen upon a transaction in which there was no waiver of the homestead exemption, and which transaction was not even in writing as clearly appears from the proceedings in this cause.

And now having fully answered the bill to be here dismissed with his reasonable costs.

W. T. Miller 28

Know all men by these presents, that
I, Elbert Barker hereby claim my Home-
stead exemption in the following prop-
erty to wit:

1st my undivided interest in my Father's
E. D. Barker's estate, Consisting of real
estate situate in the Crab Orchard
in Lee County, Va. and worth \$400.00

2^d Six head of Cattle, Consisting of 3 milk
Cows & 3 Calves, worth, Cows \$10.00 each
Calves \$3.00 each \$39.00

3^d 2 head of horses, color, black & 3 years
old, \$25.00 each, 10 head of hogs, worth
\$1.00 each \$60.00

4th 3 head of sheep, worth \$1.00 Ea, 3.00

5th all of my household & Kitchen
Furniture & Farm implements, worth \$15.00

to be held in accordance with the
provisions of chapter 178, Code of
Virginia, 1887.

Witness the following signatures and Seal,
this 24th day of January 1896.

Elbert Barker (Seal)

State of Virginia County of Lee to wit:

I, James W. Orr a Commissioner in
Chancery for the Circuit Court of said
County, in the State of Virginia, do certify
that Elbert Barker whose name is
signed to the foregoing writing bearing
date on the 24th day of January 1896,
has acknowledged the same before
me in my County aforesaid.

Given under my hand, this 24th day
of January 1896,

James W. Orr
Commissioner in chancery.

Virginia Lee County to wit:

On the ~~office~~ Clerk's office of the
County Court for the County of Lee
the 24th day of January 1896. this deed was
of homestead was presented and with the certifi-
cate annexed, admitted to record.

Teste: J. W. Richardson clerk.

A Copy-

Teste: J. W. Richardson clerk.

Elbert Barker.
By Homestead deed.
Copy

O. & B.

James H. Davidson

vs. Ans. of Def't.

Elbert Banker.

Filed in open Court
and by leave thereof
November the 8th 1897

A. B. Munsey Clerk

James H. Davidson, Plaintiff.

-----Plaintiff-----In-----Chancery. (Decree Final.)

Elmer A. Walker, Defendant.

THIS On motion of the defendant leave is granted him to
file an answer to the original and amended bill in this case, and
the same was accordingly filed, and thereupon the cause came on to be
heard upon the said original and amended bill of the plaintiff and the
answer of the defendant and exhibit in relation, and was argued by ~~Robert~~
counsel. On consideration thereof, and the Court being of opinion
that the defendant has not shown that he exhibited with his said answer
is a bar to the enforcement of the collection of the debt in favor
of the plaintiff in the amended bill mentioned, it is therefore ~~advised~~
advised, ordered and decreed that the said amended bill be dismissed
and that the defendant do cover against the plaintiff his costs by him
expended in defending said amended bill ~~including~~ ~~including~~ ~~including~~ ~~including~~
including an attorney's fee of \$15.00 to Orr & Blankenship, Attor-
neys. And nothing further is to be done in this cause
and it is taken from the docket.

James H Davidson
or { Decree Final
(B) Albert C Barker.

Interview on Chas C.B.
No 6 Page 33

Enter this decree
Dec 10th 1897.

James H. Davidson
vs.

Elbert Barker

This cause came on again this day to be heard upon the papers formerly read herein, the report of L. S. Hyatt, Special Commissioner this day filed, the deed exhibited with said report, and was argued by counsel. Upon consideration whereof, there being no exceptions to said report or deed, it is adjudged, ordered and decreed that the said report and the deed therewith from the said L. S. Hyatt, Special Commissioner, of the one part, and Elizabeth Barker, widow of Elkanah Barker, deceased, Mary F. McConnell, ^{formerly Barker} wife of H. B. McConnell, Elbert Barker, Minerva J. Hyatt, formerly Barker, wife of Jesse G. Hyatt, William Barker, Elkanah D. Barker, Jr., Laura J. Barker, Charles G. Barker, James E. Barker, Frederick J. Barker, Lillie May Barker and Collie D. Barker, children of the said Elkanah Barker, deceased, of the second part, be and they are each hereby confirmed; that the said Elkanah D. Barker, Jr., Administrator of Estate of Elkanah Barker, deceased, pay to the said

L. S. Hyatt the sum of five dollars for making and executing, upon the payment of which the said second parties in said deed may withdraw said deed from the file of this cause; and that the cause be continued.

The said plaintiff is given leave to ~~amend~~ amend his bill for the purpose of collecting the judgment rendered in this cause against the defendant at the March Term 1897, which bill must be regularly matured at return.

James H. Davidson
vs. $\frac{3}{2}$ Moore & Co

Elbert Barker

Confirming deed.

49
v. s. c. to 6 p. 6.

Enter this decree

June 12th 1897.

W. J. M.

James H. Davidson 3
vs 3 In Chy.
Robert Barker 3

This cause came on again this day to be heard upon the papers formerly read herein, the report of L. L. Hyatt, Commissioner, filed June 9th 1897, showing full collection and disbursement of the purchase money bonds from Elkanah Barker and his Administrator and disbursement of same to the plaintiff and at his direction, and was argued by counsel. On consideration whereof, it is adjudged, ordered and decreed that the said report, the same being unexcepted to, be and the same is hereby confirmed and approved.

It appearing from said report that since said sale the purchaser thereof, the said Elkanah Barker, has departed this life intestate leaving a widow and the following children: Mary E. McConnell, wife of H. B. McConnell, Robert Barker, Minnie L. Hyatt, wife

of Jesse G. Hyatt, William Barker,
Elihu Barker, Jr. Kama S
Barker, Charles G. Barker, James
E. Barker, Frederick S. Barker,
Hilke May Barker and Callie B.
Barker, his heirs at law, it is
further adjudged, ordered and
decreed that L. T. Hyatt, who is
appointed a Special Commissioner
for the purpose, do make, execute
and acknowledge a deed con-
veying to the aforementioned heirs
the land sold by him to the
said Elihu Barker, now dec'd;
that he report his action to a
future Dec. of the term and the
cause is continued.

James W. Anderson
23 May 1897
Elihu Barker

208 Sep 1897

Enter Dec
June 16 1897
W. J. W.

James H. Davidow -
v.s
Albert Barker } Decree

This cause came on again this day to be heard upon the papers formerly read herein, and was argued by counsel. And it ~~appearing to the court~~ being suggested that the last installment of the purchase price of the land sold by the complainant to the defendant became due on the 31st day of December 1896, and that the said defendant has never executed the bonds required by the decree entered in this cause on the 15th day of March 1894, and that the sale of the said land as shown by the report of R. T. Nyatt, Comr. filed in this cause on the 26th day of October 1894, failed to pay the said purchase price, by \$196.71, it is adjudged, ordered and decreed that the complainant, J. H. Davidow, recover from the said Albert Barker the sum of One hundred and ninety-six Dollars and seventy-one cents, with interest thereon from the

Jas. H. O. Curisdon

13 3 Decease No. 3

Elleest Barker

En. C. D. B. p. 344

Enter, This decess

March 6th 1897.

21st day of May 1894, until payment
for which execution may issue;
and that this cause be continued.

Joel Barker Plff.

vs. ~~33~~ In Chancery
J. H. Davidson deft.

J. H. Davidson Plff.

vs. ~~33~~ In Chancery
Albert Barker deft.

These two causes came on this day to be heard together, on motion of the plaintiff in the first styled cause, Bill of complaint in first styled cause, And exhibits therewith, the answer of J. H. Davidson and exhibits therewith, and general replication thereto And was argued by counsel, On consideration of which the Court doth order and decree that the bill in the first styled cause, be treated as a petition in the second styled cause, And that L. T. Hyatt Commissioner in the second styled cause, proceed to collect the balance of the purchase money due by reason of the sale of said land, And hold the same in his hands until the future order of the court, And until the rights of the parties in the first styled cause are adjusted, And the causes ~~be~~ continued

Jail Barker ^{Plt}

vs. ³/₄ Deane

J. W. Davidson ^{Plt}

and

³/₄ Deane

J. W. Davidson ^{Plt}

vs. ³/₄ Deane

Elbert Barker ^{Plt}

Center Two -

Mar. 21 1885

James H. Davidson.

Plaintiff.

vs.

In chancery.

Elbert Barker

Defendant.

This cause came on this day to be heard upon the papers formerly read herein and the report of L.T. Hyatt, Special commissioner, filed October 26th 1894, and was argued by counsel. And it appearing to the court that said report has been filed for more than ten days before the first day of this term of the court, ~~it is adjudged, ordered and decreed that said report and the sale therein reported, be confirmed, and that no exceptions have been filed thereto, it is adjudged, ordered and decreed that said report and the sale made by said Commissioner be, and the same are each hereby confirmed.~~ And it is further adjudged, ordered and decreed that said commissioner Hyatt proceed to collect the purchase money for said land as the same falls due, and pay the same to the plaintiff. Said Commissioner will report his action from time to time to this Court, and the cause is continued.

James H. Davidson
vs. $\frac{1}{2}$ Decree 2

Elbert Barker

confirming court's
report of Ball &c.

signed in the name of

Order Book

Page 63

Enter this decree
11. 7. 11

November 11 1874

James H. Davidson,

Plaintiff

vs.

In Chancery.

Robert L. Hyatt,

Defendant.

This cause came on this day to be heard on the bill of the complainant, an exhibit filed therewith and read by counsel. And it appearing to the court that process has been duly served on the defendant in person, then fifteen days before the first day of this term, and that he has failed to appear, answer plead or controvert the bill is taken for confessions against him. On consideration whereof the court is of opinion that the complainant is entitled to have the contract set out in the bill specifically executed. And it further appearing to the court that the first installment of \$195.00 of the purchase price is due to be paid for said land with interest from the 31st day of December 1892, bearing due and payable on the 31st day of December 1893 and that the same has not been paid on, that said defendant has failed to make ^{four} ~~any~~ of the deferred payments, it is the order of the court and decree that the complainant recover of the defendant \$195.00 with interest from the 31st day of December 1892 until paid and the costs of this suit; and that the said defendant execute his three several notes of \$195.00 each, the first to become payable on the 31st day of December 1894, the second on the 31st day of December 1895, and the 3rd on the 31st day of December 1896; each bearing interest from the 31st day of December 1892, being the date of said deferred payments. And it is further ordered and decreed that unless the said defendant or some one for him shall within 30 days from the rising of this court pay to the plaintiff the said sum of \$195.00 with its interest and the costs of this suit, then it shall be the duty of L.T. Hyatt who is appointed a commissioner for the purpose to sell said tract of land, it being averred in the bill and not denied that said land can not be sold in parcels without material injury to the rights and interest of both the complainant and the defendant. Said sale shall be made at public outcry to the highest bidder on one day or on two or three years, as the court shall find it to pay costs of suit and commissions of sale. Said commissioner will lay out the time terms and place of sale by posting written notices thereof at three or more public places in said county, ^{for at least 30 days} on of which shall be at the courthouse door

804 Davidson

253
General No. 1.

Albert Barker

Robert Gray Green

Book 2 575

Enter this deer.

March 15-1894

1721

1

James H. Davidson

vs.

Albert Barker

Plaintiff.

Defendant.

In chancery.

Received of L.T.Hvatt, Comr., in the above styled cause, Six dollars and eighty-seven cents in full of my costs in said cause to date. This 21st day of May 1894.

W.B. Murray, Clerk.

Received of L.T.Hvatt, Comr. in above styled cause, one dollar in full of my costs in said cause. This the 21st day of May 1894.

W.B. Murray, D. Sheriff

Received of L.T.Hvatt, Comr. in above styled cause, fifteen dollars, in full of Attv. fee in above styled cause. This 21st day of May 1894.

L.T.Hvatt, Attv.

700.10
649.24
51.86

710.24
15.86

5-3
=9
24
15
-41.00
-45.00

648.28
24.00

679.28
13.20
692.48

677.24
24
701.24

52

James H. Davidson .

Plaintiff

vs.

In Chancery.

Elbert Barker

Defendant.

To the Hon. W. F. Miller, Judge of the Circuit Court for Lee County, Virginia:

The undersigned Special Commissioner begs leave to submit the following report:

That, pursuant to your decree rendered in the said cause on the 15th day of March 1894, I proceeded, on the 21st day of May 1894, at the front door of the Courthouse of Lee County to offer for sale on the terms prescribed by said decree, to the highest bidder, the tract of land in the bill and proceedings mentioned, when one Elkanah Barker offered for said tract of land the sum of seven hundred dollars and twenty-five cents and that being the highest and best bid offered therefor, the said ~~Elkanah~~ Barker became the purchaser thereof at that price. He thereupon paid me the sum of fifty-two dollars, being the costs of this suit and commissions of sale and six dollars and thirteen cents thereof for future costs. This sum deducted from the gross sale leaves the sum of six hundred and forty-eight dollars and twenty-five cents, and for this last mentioned sum the said Elkanah Barker executed to me as commissioner, with Elbert Barker as his security, his three bonds for the sum of two hundred and sixteen dollars and eight and one third cents each bearing interest from date of sale, due respectively in one, two and three years.

The following tabular statement will show the manner in which I have disbursed the cash payment, the receipts for said disbursements being hereto attached.

To cash received on day of sale		\$52.00
By this sum paid A. B. Munsey, Clerk	\$5.57	
" " " " M. R. Kirk, D. Sheriff	1.00	
" " " " Duncan & Wyatt, Attys.	15.00	
" Commissions retained	23.00	
" cash retained for future costs.	6.13	\$52.00

Your commissioner is of opinion that the sum for which the said land sold is a fair price, and that said sale ought to be confirmed.

Respectfully submitted,

L. P. Hyatt, Secy.

James H. Davidson
193 Commissioner's
Report of Sale
Elbert Barker

Filed October 26th 1894
S. V. F. Richmond, Deputy
For A. B. F.

James H. Davidson

vs

Elbert Barker

To the Hon. W. S. Miller Judge
of the Circuit Court for Lee
County:

The report of R. S. Hyatt
Court.

Said Court report that as
required ~~to~~ collect the three pur-
chase money notes for the sum
of \$216.08 $\frac{1}{3}$ each and paid the
same out to the plaintiff or to
whome the plaintiff directed, as
will fully appear by a state-
ment of said Davidson hereto
attached.

Your Court reports that since
said sale the purchaser, Elha-
mah Barker has died, intestate,
leaving a widow and the follow-
ing ~~her~~ children, to wit:
Mary F. McConnell, wife of H. B.
McConnell, Elbert Barker, Mi-
nerva J. Hyatt, wife of Jesse S.
Hyatt, William Barker, Elha-
mah D. Barker, Jr. Laura S. Bar-

Barker, Charles G. Barker, James
E. Barker, Frederick J. Barker,
Lillie May Barker and Callie
D. Barker, his heirs at law,
to whom the said land has
descended.

The names of these heirs were
given to me by Elkanah D.
Barker, Jr. son of the late El-
kanah Barker and Adminis-
trator of his estate.

Said parties are now entitled
to a deed.

Very Respectfully,

L. J. Hyatt Commr.

James H Davidson

vs.

Elbert Barker

In this case L. S. Hyatt, Comr.
on Apl. 15th 1895 paid me \$226.50.
Elbert Barker and Elkannah Barker
Jr. on July 20th 1896 paid me one
yoke of cattle at \$70.00. Aug. 20th
1896, L. S. Hyatt ^{paid} Lucas for me \$65.00.
On the same day the said L. S. Hyatt
paid Duncan Hyatt \$25.00 for me
at my direction. On the said 20th
Aug. 1896 the said L. S. Hyatt paid to
Geo. Blaukenship for me and at my
direction \$14.00. And on the same
20th Aug. 1896 the said L. S. Hyatt for
me and at my direction paid ~~me~~
a fine against my son to J. V. F. Rich-
mond, Clerk, amounting to \$34.99.
This was also at my direction. On
the same 20th Aug. 1896 the said L.
S. Hyatt sent me by John P. Reaser
\$60.68. On Oct. 10 the said Hyatt
paid me in person \$88.27. On Nov.
31/97 said L. S. Hyatt paid me in
person \$50.00. On this day the said
L. S. Hyatt has given me check for
\$3.93 and retained \$2.59 to pay taxes

About Aug. or Sept 1896 J. K. P. Regg paid me for the Barker heirs a yoke of cattle at \$80.00. which fully settled the amount coming to me from said L. T. Hyatt Esqr. on account of land sold by him in the said cause. This June 9th 1897.

James H. ^{his} Davidson
mark

Witness:

L. T. Hyatt,
A. M. Goins.

J. H. Davidson
vs. J. K. P. Regg

Robert Davidson

Filed June 9th 1897.

A. J. Murray clerk

Circuit Court for Lee County:

To the Hon. W. T. Miller, Judge
of the said Court;

The undersigned, who was appointed by a decree entered in the Chancery cause of James H. Davidson vs. Elbert Barker. on the 10th day of June 1897, a Special Commissioner and as such directed to make and execute a certain deed, begs leave to report that he has complied with said decree and that he herewith presents said deed for the inspection and approval of the Court.

Very Respectfully Subd.
L. S. Hyatt, Spe. Commr.

James H. Davidson
vs $\frac{3}{2}$ Chy.

Elbert Barker

Report of L. T. Hy-
att, Spe. Com. show-
ing execution of
deed &c

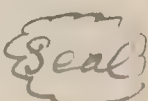
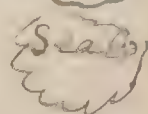
This deed made the 31st day of
July in the Year 1893 between
James H. Davidson and Margaret Davidson
his wife of Lee County Virginia of the
one part, and Elbert Barker of the
County and State aforesaid of the other
part, Witnesseth: That for and in
Consideration of the sum of One thousand
and thirty dollars in hand paid and
secured to be paid, as follows two hundred
and fifty dollars paid in hand, and the
residue of Seven hundred and eighty dollars
to be paid in equal installments of one
and ^{and three} two years

The said parties of the first part do grant
bargain and sell unto the said party of
the second part a certain tract or parcel of
land lying and being in the said County
of Lee, and in the Crab Orchard, containing
by actual survey 103 acres. And bounded
as follows to wit: Beginning at the mouth
of the Little Crab Orchard Creek where it
enters into the North Fork; Thence up said
Creek as it meanders N. $12\frac{1}{4}$ W. 110 feet
N. 63 W. 532 feet N. $16\frac{1}{2}$ E. 136 feet N. $29\frac{3}{4}$ W.
214 feet N. $12\frac{1}{2}$ W. 96 feet North 75 feet S. $79\frac{1}{2}$ W.
134 feet N. $43\frac{1}{4}$ W. 138 feet S. $78\frac{1}{2}$ W. 74 feet
N. 12 W. 176 feet N. $56\frac{1}{4}$ W. 103 N. $3\frac{1}{4}$ W. 79 feet
N. 40 W. 189 feet N. $29\frac{1}{2}$ E. 76 feet N. 12 W. 87 feet

N 19 $\frac{1}{2}$ W 101 feet. N 22 $\frac{1}{2}$ ^W 222 feet. N $\frac{1}{2}$ W 147
feet. N 77 W 150 feet. N 37 $\frac{1}{2}$ E 80 feet. N 24 W
84 feet. N 4 $\frac{1}{2}$ E 130 feet to a Stake in the road
near the old Fiddon's Gun Shop and north said
road and up a lane S 76 $\frac{1}{4}$ W 317 feet to a Stake
in a branch and with said branch N 84 W
287 feet. S 78 $\frac{3}{4}$ W 129 feet. S 84 W 109 feet
S 86 $\frac{3}{4}$ W 237 feet to a bunch of Alders;
thence leaving said branch and with the
original line S 8 $\frac{1}{4}$ E 825 feet to a hornet
on top of a ridge and with the top of the same
S 40 W 161 feet to a maple S 74 W 188 feet
S 87 $\frac{1}{2}$ W 305 feet to a white oak & maple S 67 W
86 feet. S 74 $\frac{1}{2}$ W 220 feet. S 45 W 37 feet to a
Stake on the top of said ridge on a line agreed
on by these parties and James F. W. and with
said line S 51 $\frac{1}{2}$ E 1326 feet to a Stake on a
ridge and with the top of the same N 49 $\frac{1}{2}$ ^E 226
feet. S 37 $\frac{1}{2}$ E 233 feet. N 62 E 279 feet. S 84 E
153 feet. S 20 $\frac{1}{2}$ E 275 feet. S 68 $\frac{1}{2}$ E 98 feet
S 35 $\frac{1}{2}$ E 150 feet to two black gums on the top
of a ridge. thence down the same as it meanders
S 11 $\frac{1}{2}$ E 113 feet. S 12 $\frac{1}{2}$ E 321 feet. S 27 $\frac{1}{2}$ E 103 feet
to a white oak. S 2 W 170 feet to a white on the
agreed Taylor line and with the same S 51 $\frac{1}{2}$ E
800 feet to the north fork of Powell's River
and up the same as it meanders N 21 $\frac{3}{4}$ E 100 feet
N 36 E 138 feet. N 42 E 173 feet. N 40 $\frac{3}{4}$ E
163 feet. N 4 E 77 feet. N 36 W 75 feet. N 41 W
117 feet. N 21 W 223 feet. N 5 $\frac{1}{2}$ E 96 feet

width 120 feet - N. 9. W. 140 feet - N. 45. E. 140 feet - N. 85. E. 210 feet to the beginning.

The foregoing is the same tract of land deeded by Joel Barker and wife to said James H. Davidson. And the said parties of the first part Covenant with the said party of the second part, that they will warrant & convey the land hereby conveyed. Witness the following signatures and seals. The vendors lien is retained on this tract of land till the purchase money is fully paid and discharged.

James H. Davidson 
Margaret Davidson 

Lee County to wit: I Charles D. Bailey a Notary Public for the County aforesaid in the State of Virginia do Certify that James H. Davidson and Margaret Davidson his wife whose names are signed to the Writing hereto annexed, bearing date on the 31st day of July 1893 have acknowledged the same before me in the County aforesaid. Given under my hand this the 31st day of July 1893

C. D. Bailey — N.D.

Elbert Barker
From } Deed
J. H. Davidson &
Elbert Davidson

"A"

94 5- 21
 12 11 31
 1-4-20
 06
 02
 33
 195-
 4165-
 7497-
 833
 162425-

1st payment
 \$195.00
 Int from Dec 31st 92 to Mar 31st 94 16.24
 Second payment due Dec 31st 94 195.00
 Int from Dec 31st 92 to Mar 31st 94 16.24
 Third payment due Dec 31st 95 195.00
 Int from Dec 31st 94 to Mar 31st 96 16.24
 Fourth & last payment due Dec 31st 96 195.00
 Int. from Dec 31st 95 to Mar 31st 96 16.24
 844.96

May 21st 1896 P. by net proceeds
 of sale of land 648.25-
 \$196.71

700.25-
 52.00
 648.25-

J. H. Davidson
vs
Elbert Barker

In this case, I sold land to El-
kanah Barker, who executed to
me his three bonds for the sum
of \$216.08 $\frac{1}{3}$

Heirs of Elkanah Barker's heirs.

Mary F. McOmell, wife of H. B.
McOmell, Elbert Barker, Mi-
nerva J. Hyatt, wife of Jesse
Hyatt, William Barker, El-
kanah D. Barker, Jr., Laura I.
Barker, Charles G. Barker, James
E. Barker, Frederick S. Barker, Lil-
lie May Barker, called "Barker."

19
18.85-
\$3.15-

Southwest Virginian, }
Jonesville, Va. }

The Commonwealth of Virginia,

To the Sheriff of the County of Lee Greeting;

We command you to summon

Albert Barker

to appear at the Clerk's office of our Circuit Court of the County of Lee at the court-house thereof, at the

Rules to be holden for said court, on the *1st* Monday in *October*, 189*7*, to answer

an amended

A bill in Chancery, exhibited against

him

in our court by

James H. Davidson

And have then there this writ.

Witness, A. B. MUNSEY, Clerk of our said court, at the court-house, the *11th* day of

September 189*7*, and in the 12^{*th*} year of the Commonwealth.

A. B. Munsey Clerk.

A copy—Teste:

Clerk.

James H Davidson
SUBPENA
vs. { IN CHANCERY.

Elbert Barker

L. T. Hyatt P. Q.

TO 1st Oct Rules. 1897

CIRCUIT COURT.

Et cetera sept 9
1897 By
Delivered in
serted of trial
copy of summons
to Elbert Barker
By E. S. Stapleton
per W. R. Metcalf
S. L. H.

The Commonwealth of Virginia,

To the Sheriff of the County of Lee, Greeting:

again
WE COMMAND YOU, That you summon *Elbert Barker*

to appear at the Clerk's Office of the Circuit Court of the County of Lee, at the rules to be held for the said Court on the *3rd* Monday in *February*, 1894, to answer a bill in Chancery, exhibited against *him* in our said court by *James H Davidson*

And have then there this writ. Witness, A. B. MUNSEY, Clerk of our said Court, at the court-house, the *5th* day of *February* 1894, and in the 11 *8th* year of the Commonwealth.

A B Munsey Clerk.

James H Davidson

vs. {

SUBPŒNA
IN CHANCERY.

Elbert Barker

A. L. Pridmore p. q.

To

2nd Feby

Rules,

Circuit Court.

Virginia Lee County to wit
This day H. L. Flanary
personally appeared me
A. B. Muncey Clerk of the
Circuit Court for Lee Co
and made oath that he
delivered an office copy of
the within & paid the
to Elbert Barker ^{on the 19th day of Feb 1884}
under my hand this the
19th day of February 1884
A. B. Muncey Clerk

Plffs Costs
 Clerk 9.52
 Tax 1.50
 Shff 1.00
 \$12.02

Defts Costs
 Clerk 2.29
 Atty 15.00
 Co C 25
 \$17.54

James H. Davidson
 vs W Chaucery
 Elbert Barber

1894 2nd Fely rules bill
 filed spaced & D. Sirii
 " 1st march rules taken the
 last Monday in Fely D.
 Sirii could & cause set for
 1894 hearing by Plaintiff
 March Term Contd June Contd
 Nov Contd, March T 1895 Contd
 June T 1895 Contd Nov Contd
 Mar T 1896 Contd June Contd Nov Contd
 March T 1897 Contd June T Contd
 Nov T 1897 Decree final See
 Chcy 013 No 6 Page 83

DUNCAN & WATTS
 ATTORNEYS AT LAW
 HONESVILLE, VA